

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at WINCHESTER

| | | |
|---------------------------|---|--------------------------------|
| JACKIE WILKINS, SR., |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Nos. 4:04-cv-028 / 4:03-cr-024 |
| |) | <i>Edgar</i> |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent. |) | |

MEMORANDUM AND ORDER

This is a motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255, which the government was ordered to answer. In the meantime, petitioner filed a second § 2255 motion, which was transferred to the Sixth Circuit as a second or successive motion. The Sixth Circuit ordered the government to respond to the second § 2255 motion, and the government moved the Sixth Circuit to remand the motion to this Court.

According to the government, the second § 2255 motion raised a claim that appears to relate back to claims raised in this § 2255 motion. For that reason, the government contends this Court should delay consideration of the pending § 2255 until the Sixth Circuit resolves whether to remand the second § 2255 motion. Thus the government moves for a extension of time, of 30 days after the Sixth Circuit renders its decision, to respond to the pending § 2255 motion.

The motion for extension of time [Court File No. 14] is **GRANTED**. This matter is **ORDERED STAYED** pending the decision of the Sixth Circuit as to the second § 2255 motion. The government's response shall be due within 30 days of that decision.

SO ORDERED.

ENTER this *9th day of December, 2005*.

/s/ R. Allan Edgar

R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE